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Attorneys for Defendant

DIGITAL NETWORKS NORTH AMERICA, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of  
SORENSEN RESEARCH AND  
DEVELOPMENT TRUST,

Plaintiff,

vs.

DIGITAL NETWORKS NORTH  
AMERICA, INC., a Delaware corporation,

Defendant.

No. 07 CV 5568

**NOTICE OF MOTION AND  
MOTION TO STAY THE  
LITIGATION PENDING THE  
OUTCOME OF REEXAMINATION  
PROCEEDINGS**

Date: January 18, 2008

Time: 9:00 a.m.

Courtroom: 2, 17th Floor

Judge: Hon. Jeffrey S. White

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 NOTICE IS HEREBY GIVEN that on January 18, 2008 at 9:00 a.m., or as soon  
3 thereafter as the matter may be heard by the above-entitled Court, defendant Digital  
4 Networks North America, Inc. (“DNNA”) will and hereby does respectfully move for a stay  
5 of the above-captioned proceeding pending the outcome of the ongoing United States  
6 Patent & Trademark Office (“PTO”) reexamination of the patent in suit, U.S. Patent No.  
7 4,935,184 (“the ‘184 patent”).

8 A stay is warranted given the current status of this case. The original Complaint  
9 was served on November 12, 2007. An Amended Complaint was filed on November 27,  
10 2007. Discovery has not yet begun, no trial date has been set, and the parties have not yet  
11 submitted initial Rule 26(a)(1) disclosures. A stay will conserve the resources of both the  
12 Court and the parties and will also provide the benefit of simplifying (if not eliminating) the  
13 issues for trial. Given that the ‘184 patent will be expiring in approximately three months  
14 and that discovery has not yet begun, Plaintiff Jens Erik Sorensen, as Trustee of Sorensen  
15 Research and Development Trust (“Plaintiff” or “Sorensen”), would not be prejudiced in  
16 any way by entry of an order staying the present litigation pending the PTO’s ongoing  
17 reexamination of the ‘184 patent. Failure to grant a stay may result in prejudice to the  
18 Defendant.

1 For the reasons set forth in greater detail in the Supporting Memorandum of Points  
2 and Authorities and related pleadings submitted herewith, DNNA respectfully requests that  
3 the Court order this case stayed pending completion of the PTO's ongoing reexamination of  
4 the '184 patent.

5 Dated: December 11, 2007

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